REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-9 are pending and stand rejected.

Claims 1 and 7-9 have been amended.

Claims 1-9 stand rejected under 35 USC 103(a) as being unpatentable over Kishi (EP 0 094 449) in view of Golderg (USP no. 5,970,446).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims.

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims.

Kishi discloses a system that relates to a speech recognition system for automotive vehicles wherein a plurality of predetermined spoken instructions are selectively recognized according to vehicle-traveling conditions. Kishi further discloses, for example, a "vehicle speed detecting means for detecting vehicle speed and outputting signals corresponding thereto, and a speech selecting means responsive to the vehicle speed signals for classifying the detected vehicle speed by signal magnitude and selectively allowing said speech recognizer to output the actuation signal to the respective vehicle actuator dependent on the classified magnitude of the detected vehicle speed." (see col. 2, lines 8-21). Hence, Kishi discloses a system that uses an indication of speed to allow selective ones of spoken commands to be executed. Kishi fails to describe a system that adapts the audio references based on an "estimated noise component introduced by the operating state," as is described in claim 1.

Goldberg discloses a system for robust recognition of speech during a call in a noisy environment, wherein specific background noise models are created to model various background noises. The background noise models are used to determine which noise characteristics a particular call has. Once a determination has been made of the background noise in a given call, speech recognition is carried out using the appropriate background noise model (see Abstract). Goldberg, more specifically discloses receiving

speech, recording an amount of data related to the noisy environment, analyzing the recorded data, selecting at least one appropriate background noise model, performing speech recognition with the at least one selected background noise model. (see col. 6, lines 12-23).

With reference to claim 1, neither the Kishi nor Goldberg, individually or in combination, teach or suggest all the elements recited in the above referred-to claims, as amended. More specifically, neither Kishi nor Goldberg teach " said estimated noise component is determine during at least one period containing a noise signal portion but no speech signal portions ", as is recited in the claims. As is stated in the instant Office Action, Kishi is silent with regard to estimating the noise component. And Goldberg is similarly silent with regard to estimating the noise component when no speech signal portion is available. Hence, even if there were some motivation to combine the teachings of the cited reference, which applicant believes does not exist and need not discuss herein, the combined device would fail to teach all the features recited in independent claim 1.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

Accordingly, the invention recited in claim 1 is not rendered obvious by the teachings of the cited reference, as the combined device fails to recite all the elements claimed in independent claim 1, for example.

With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and were rejected for the same reason used in rejecting claim 1. Thus, for the amendments made to these claims, which are similar to the amendments made with regard to claim 1, and for the remarks made in response to the rejection of claim 1, which are also applicable, and reasserted, as if in full, herein, in response to the rejection of the remaining claims, applicant submits that the reason for

rejecting these claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard the remaining claims these claims ultimately depend from the independent claims, which have been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.
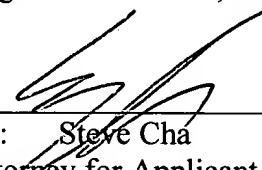
Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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